P&G Case CM2017MC   #9

4-27-03

JPRock

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of	:	
FABIO CINELLI, ET AL.	:	Confirmation No.: 1554
Serial No.: 09/917,469	:	Group Art Unit: 1714
Filed: July 27, 2001	:	Examiner: K. I. Lee

For   DISPOSABLE ABSORBENT ARTICLES WITH
IMPROVED ADHESIVE FOR ATTACHMENT TO THE
SKIN TO FACILITATE WATER ADHESION
STABILITY WITH LOW PAIN LEVEL REMOVAL

TERMINAL DISCLAIMER

Assistant Commissioner for Patents

Washington, D.C. 20231

Dear Sir:

Petitioner, The Procter & Gamble Company, is the owner of the entire right, title and interest in the above-identified application. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §154 to §156 and §173 as presently shortened by any terminal disclaimer filed prior to the grant of any patent granted to co-pending published Application Number 09/917,505, filed on July 27, 2001. The evidentiary documents for the assignments have been reviewed, and petitioner certifies that to the best of petitioner's knowledge and belief, title is in the assignee to take this action. Petitioner hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that it and any patent granted on the application are commonly owned. This agreement runs with any patent granted on the above-identified application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §154 to §156 and §173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims cancelled by a

reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

The undersigned is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Authorization is given to charge Deposit Account No. 16-2480 for the fee required under 37 C.F.R. §1.20 (d) of $110.00 for submission of this Terminal Disclaimer. A duplicate copy of this correspondence is enclosed to facilitate charging of the fee.

Respectfully submitted,

FABIO CINELLI, ET AL.

By _____

Peter D. Meyer
Attorney for Applicants
Registration No. 47,792
(513) 634-9359

April 16, 2003

Customer No. 27752

SUBJECT DECISION ON TERMINAL DISCLAIMER INFORMAL FORM

DATE: 4-27-03

APPL. S.N.: 09/917469

EXAMINER: _____

ART UNIT: 1714

PARALEGAL: JEAN PROCTOR

MAILROOM DATE: 4-16-03

AFTER FINAL: YES___ NO ✓

NUMBER OF T.D.(S) FILED: ___

INSTRUCTIONS: I have reviewed the submitted T. D. with the results as set forth below. If you agree, please use the appropriate form paragraphs identified by this informal memo in your next office action to notify applicant about the T. D. If you disagree any analysis or have questions at all about the acceptability of the T.D., please se our Special Program Examiner or me.

THIS MEMO IS AN INFORMAL, INTERNAL MEMO ONLY. IT MUST NOT BE MAILED TO APPLICANT, NOR SHOULD A COPY BE LEFT IN FILE. WHEN YOUR OFFICE ACTION IS COMPLETED, YOU MUST INITIAL AND DATE & RETURN THIS TO PARALEGAL.

[✓] The T. D. is PROPER and has been recorded. (See 14.23)

[ ] The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below. (See 14.24)

[ ] The recording fee of $____ has not been submitted nor is there any pre authorization in the application to charge to a deposit account. (See 14.25)

[ ] Application Examiner has not processed fee for T. D.

[ ] The T.D. does not satisfy Rule 321(b)(3) in that the person who has signed the T. D. has not stated his/her interest and the extent of the interest of the business entity represented by the signature in the application/patent. (See 14.26)

[ ] The T. D. lacks the enforceable only during the common ownership clause needed to overcome a double patenting Rule 321(c). (See 14.27 and 14.27.1)

[ ] T. D. is directed to a particular claim(s), which is not acceptable since the disclaimer must be of a terminal portion of th entire patent to be granted, MPEP 1490. (See 14.26 and 14.26.2)

[ ] The person who signed the terminal disclaimer:
    [ ] has failed to state his/her capacity to sign for the business entity. (See 14.28)
    [ ] is not recognized as an officer of the assignee. (See 14.29.1)

[ ] No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the fram specified as to where such evidence is recorded in the office. 37CFR 3.73(b). (See 1140 O.G. 72) NOTE: This documentary evidence or the specifying of the reel and frame my be found in the T.D. or in a separate paper submitted by applicant. (Se 14.30)

[ ] No "STATEMENT" specifying that the evidentiary documents have been reviewed and that, to the best of the assignee knowledge and behalf the file is in the assignee seeking to take action 37 CFR 3.73(b). (See 1140 O.G. 72)

[ ] The T. D. is not signed (See 14.26 and 14.26.3)

[ ] Attorney is not of record in the oath/declaration or a separate paper filed appointing a new or associate attorney, nor is there a customer number.

[ ] The serial number of the application (or the number of the patent) which forms the basis for the double patenting is missing or incorrect. (See 14.32)

[ ] The serial number of this application (or the number of the patent in reexam or reissue case(s) being disclaimed is missing or incorrect. (See 14.26, 14.26.4 or 14.26.6)

[ ] The period disclaimed is incorrect or not specified. (See 14.27, 14.27.2 or 14.27.3

[ ] Other _____

_____

_____

_____

1.32
decl
for
structural
diff

≥50 μm is
microscopic
phase
→ thickness